

MARCH 1, 1954



# THE NATION Vote

LEAGUE OF WOMEN VOTERS OF THE U.S.

1026 17th STREET, N. W., WASHINGTON 6, D. C.

## What Happened to the Bricker Amendment

ON Friday, February 26, the original Bricker Amendment, and all substitute or compromise amendments, appeared to have been defeated, 60 to 31—one vote less than the two-thirds required for passage of proposed constitutional amendments. This final vote was not on the Resolution submitted by Senator Bricker (R., O.), but on a quite different substitute proposed by Senator George (D., Ga.). Closeness of the vote led to immediate prediction that a motion for reconsideration might come at any time.

Legislative development of the debate was highly complex, and much of it consisted of off-the-floor negotiations. This is illustrated by the fact that neither Senator Bricker's Amendment, as recommended by the Judiciary Committee, nor the original substitute proposed by Senator Knowland (R., Calif.), majority leader, was directly voted upon. They were considered only in a piecemeal fashion, as their original provisions were amended and incorporated in a series of substitute proposals. Original supporters of the Bricker Amendment switched votes at various times. In the end Senator Bricker voted for Senator George's substitute, which earlier he had found unsatisfactory. So did Senator Knowland, who announced he was doing so as an individual Senator and not as the Republican leader, in which capacity he had earlier in the day apparently sought to delay action on Senator George's proposal.

Most Senators became convinced early in the month's debate that Senator Bricker's proposals with respect to treaties were too restrictive and would seriously obstruct the conduct of foreign policy. Senator George clearly stated his belief that no modification of the existing treaty making power was needed. The opposition centered its attack on the so-called "which clause," and it was abandoned without being brought to a clear-cut vote. There continued throughout the debate, however, three major questions that many Senators wished to resolve: 1) Should Congress make sure that the Constitution is really supreme over treaties? 2) Should Congress attempt to prevent possible abuse of executive agreements? 3) Should there be constitutional requirement for roll call votes on treaties?

### Senator George's Substitute Amendment

It was Senator George who became the dominant leader in the movement to bring to a vote a compromise resolution dealing with these three issues. The substantive sections of his Resolution were as follows:

*Sec. 1. A provision of a treaty or other international agreement which conflicts with this Constitution shall not be of any force or effect.*

*Sec. 2. An international agreement other than a treaty shall become effective as internal law in the United States only by an act of the Congress.*

*Sec. 3. On the question of advising and consenting to the ratification of a treaty the vote shall be determined by yeas and nays, and the names of the persons voting for and against shall be entered on the Journal of the Senate.*

This Resolution retained Section 1 of Senator Bricker's Amendment, adding to it the provision that international agreements, as well as treaties, shall not conflict with the Constitution. Senator George stated that because this was a principle never in doubt, he saw no harm in including such a declaration in the Constitution. Opponents maintained that it was unwise to amend the Constitution unnecessarily.

Section 3 of the George Amendment designed to assure more adequate Senate consideration of treaties was drawn from Senator Knowland's compromise. Many who favored this idea of a roll call vote on treaties stated that the same purpose could be achieved by a simple resolution to amend the Senate rules.

It was Section 2 of Senator George's Amendment, dealing with the problem of international or executive agreements, that became the main area of Senate debate. Whereas Senator Bricker had proposed the regulation of all executive agreements, Senator George's proposal referred only to those executive agreements having "internal" effect.

### The Problem of Executive Agreements

Major opposition to this Section was of several types. Some Senators believed that this provision might lead the President to substitute executive agreements for treaties on controversial subjects, since it is easier to achieve a straight majority vote in both Houses than a two-thirds Senate vote. Others objected to sharing with the House any part of the process of making international agreements.

The Attorney General expressed fear that Section 2 with its limitation on executive agreements would encroach upon the President's constitutional powers as Commander in Chief, which are vitally related to national security, and upon his power to recognize foreign states by receiving their Ambassadors. (Senator George stated that his proposal was not intended to change in any way these specific constitutional powers of the President.)

Senator Knowland tried to (*Continued on page 2*)

## ★ CONGRESSIONAL SPOTLIGHT ★

**EXECUTIVE AGREEMENTS** (S. Res. 209): This Resolution, introduced by Sen. Knowland (R., Cal.), would authorize the Foreign Relations Committee to study executive agreements negotiated between the U. S. and foreign governments and other international organizations, including the number and nature of such agreements operating as internal law in the U. S. Referred to the Foreign Relations Committee.

**CONGRESSIONAL INVESTIGATIONS:** A subcommittee of the House Rules Committee continues hearings until March 4 on proposed procedural changes in the conduct of Congressional hearings. H. R. 477, introduced by Rep. Scott (R., Pa.), subcommittee chairman, proposes a comprehensive set of rules governing the rights of Congress to conduct investigations and safeguarding rights of witnesses appearing before committees. This bill places responsibility for decisions to investigate on the committee majority; extends to all House committees the special prerogatives now held by Appropriations, Government Operations, and Un-American Activities Committees; permits witnesses to have counsel, public hearings and the right to decline coverage by radio or television, and provides that a resolution proposing an investigation must specify subject and need of the investigation.

**ITEM VETO** (H. J. Res. 335): Introduced by Rep. Prouty (R., Vt.), this bill proposes a Constitutional amendment giving the President power to disapprove items in general appropriations bills.

**FOREIGN AFFAIRS ADVISORY BOARD** (H. R. 6900): This bill, introduced by Rep. Carnahan (D., Mo.), would create an Advisory Board of 9 members to be appointed by the President and confirmed by the Senate, to make continuing study of foreign affairs and advise with the President. Referred to House Foreign Affairs Committee.

**LOWER VOTING AGE** (S. J. Res. 112): Introduced by Sen. Knowland (R., Cal.) and 6 other Senators, this Resolution proposes a Constitutional amendment to grant the right to vote to U. S. citizens over 18 years of age. Referred to Senate Judiciary Committee. Similar bills introduced in the House are H. J. Res. 341 (Rep. Rogers, D., Texas) and H. J. Res. 342 (Rep. Widnall, R., N. J.). Referred to House Judiciary Committee.

**GENERAL TAX REVISION:** House Committee on Ways and Means continues hearings on general tax revision proposals.

**FLASH!** League is back on NBC's WEEK-END just after 5 o'clock news, first Sunday afternoon of month.

### BRICKER AMENDMENT—Cont. from page 1

delay a Senate vote on the George proposal, on the ground that the Senate had inadequate information on the subject of executive agreements. Referring to the fact that it was not unusual for some 10,000 agreements to be concluded in a single year, he stated that he had requested the Department of State to furnish the precise number of agreements entered into annually from 1943 to 1953, the number of these having the effect of internal law, and the number authorized by act of Congress. He also introduced a resolution to direct the Senate Foreign Relations Committee to study the problem. (See Congressional Spotlight)

Any future congressional debate on the control of treaties and other international agreements will undoubtedly focus again on the problem of executive agreements. The subject is complicated by such factors as the enormous number of agreements required for the day-to-day conduct of foreign relations, the number required to implement a single treaty, as for instance, NATO where some 10,000 have been concluded to date, the various presidential powers involved, the wide range of subject matter that they cover and the difficulty of interpreting the precise internal effect of individual agreements prior to court determination.

It was recognition of the complexity of the problem that led several Senators during the last hours of the debate to urge postponement of action pending further study by the Senate and the American people.

## NATIONAL NOMINEES

THE Nominating Committee will present to the national Convention the following nominees for 1954-56. Other nominations may be made from the floor immediately following presentation of this slate:

**President—Mrs. John G. Lee, Farmington, Conn.** National President, 1950-54, national Board member, 1944-50, president LWV of Conn., 1941-49.

**1st Vice President—Mrs. Robert F. Leonard, Washington, D. C.** National 1st Vice President, 1950-54, president LWV of D. C., 1945-47.

**2nd Vice President—Mrs. Rensis Likert, Ann Arbor, Mich.** National Board member, 1951-54, president LWV of Mich., 1949-51.

**Secretary—Mrs. Werner J. Blanchard, Dayton, O.** President LWV of Ohio, 1949-53. Representative of LWV of the United States on U. S. National Commission for UNESCO since 1952, and chairman of the Commission's activities committee.

**Treasurer—Mrs. Edward Boyne, Pittsburgh, Pa.** National Board member 1951-54, appointed Treasurer, Feb., 1954. President LWV of N. Y., 1948-51.

### Directors

**Mrs. Orville Foreman, Jacksonville, Ill.** National Board member, 1951-54, vice president and legislative chairman LWV of Ill., 1945-51.

**Mrs. Henry L. Killen, Orlando, Fla.** National Board member, 1952-54, president LWV of Fla., 1949-51.

**Mrs. Moses H. Lurie, Belmont, Mass.** National Board member, 1949-54, president LWV of Mass., 1945-48.

**Mrs. J. D. Perriman, Dallas, Texas.** First vice president LWV of Texas, 1952-54, organization chairman LWV of Texas, 1951-54.

**Mrs. Oscar M. Ruebhausen, New York, N. Y.** National Board member, 1952-54, first vice president LWV of New York City, 1946-52. Accredited observer for the LWV of the United States at the U. N. since 1946.

**Mrs. Waldo E. Stephens, Oklahoma City, Okla.** National Board member, 1949-52, Second Vice President LWV of the United States, 1952-54.

**Chairman, Nominating Committee, 1954-56—Mrs. Maxwell Barus, Montclair, N. J.** National Board member, 1948-52, president of the LWV of N. J., 1943-47.

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